

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING

CASE No.: 13-1551 JB **DATE:** August 12, 2013

CASE CAPTION: USA v. Alaniz

CRD: K. Wild **COURT REPORTER:** D. Everett

COURT IN SESSION: 1:34 p.m. **COURT IN RECESS:** 1:45 p.m. = :11

TYPE OF PROCEEDING: Competency Hearing

COURT'S RULING/DISPOSITION: see below

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Form of order submitted by defense counsel

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Charles Barth, AUSA Steve McCue (Appointed)

PROCEEDINGS

COURT IN SESSION: 1:34 p.m.

Court: Calls case. Counsel enter appearances. Defendant present (in custody).

Mr. McCue: Addresses Court. Agree with Cave's report - observations and conclusions - consistent with his interactions with Defendant. Requests Court adopt findings of report, find Defendant incompetent and commit to BOP for reasonable amount of time not to exceed 4 months for evaluation and treatment. Have submitted form of order to Court.

1:36 p.m. Mr. Barth: Do not challenge report - have no objection to proposed form

of order submitted by defense counsel.

1:37 p.m. Mr. McCue: No further argument.

Court: Confirms can use Dr. Cave's report as basis for finding of incompetency?

Counsel confirm.

Court: Instructs report be attached hereto as Ex. A. Concerned about findings in report - not sure Defendant will meet standards of incompetency by Butner/FMC. Finds by a preponderance of the evidence that the Defendant is suffering from a mental defect that renders her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her and to properly assist in her own defense. Discusses proposed modifications to form of order submitted by defense counsel.

Counsel concur with Court's modifications.

1:44 p.m. Court: Anything further?

Counsel indicate there is not.

COURT IN RECESS: 1:45 p.m.